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5 UNITED STATES DISTRICT COURT
6 EASTERN DISTRICT OF WASHINGTON

7 JOHN ENSMINGER,

8 Plaintiff,

9 v.

10 CITY OF SPOKANE, COUNTY OF
11 SPOKANE, and NAHP/TECH CARE,
INC.

12 Defendants.

NO: 1:17-CV-0034-TOR

ORDER OF DISMISSAL WITHOUT
PREJUDICE

13 Plaintiff is proceeding *pro se* and *in forma pauperis*. See ECF No. 7. On
14 March 27, 2017, Plaintiff was ordered to file an Amended Complaint within 60
15 days. ECF No. 9. Plaintiff was cautioned that his failure to amend within 60 days
16 would result in the dismissal of this case. ECF No. 9 at 15-16. Although granted
17 the opportunity to do so, Plaintiff has now failed to amend his complaint to include
18 sufficient facts to establish federal subject-matter jurisdiction. See *Broughton v.*
19 *Cutter Laboratories*, 622 F.2d 458, 460 (9th Cir. 1980) (citations omitted).
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1 Pursuant to 28 U.S.C. § 1915(a)(3), “[a]n appeal may not be taken *in forma*
2 *pauperis* if the trial court certifies in writing that it is not taken in good faith.” The
3 good faith standard is an objective one, and good faith is demonstrated when an
4 individual “seeks appellate review of any issue not frivolous.” *See Coppedge v.*
5 *United States*, 369 U.S. 438, 445 (1962). For purposes of 28 U.S.C. § 1915, an
6 appeal is frivolous if it lacks any arguable basis in law or fact. *Neitzke v. Williams*,
7 490 U.S. 319, 325 (1989).

8 The Court finds that any appeal of this Order would not be taken in good
9 faith and would lack any arguable basis in law or fact. Accordingly, the Court
10 hereby revokes Plaintiff’s *in forma pauperis* status.


11 **ACCORDINGLY, IT IS HEREBY ORDERED:**

- 12 1. Plaintiff’s Complaint is **DISMISSED without prejudice** for failure to
13 state a claim under 28 U.S.C. §1915(e)(2)(B).
14 2. Plaintiff’s *in forma pauperis* status is **REVOKED**.

15 The District Court Executive is directed to enter this Order, enter judgment
16 of dismissal without prejudice, forward a copy to Plaintiff, and **CLOSE** the file.

17 **DATED** June 1, 2017.




THOMAS O. RICE
Chief United States District Judge